

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISON

MARC ANTHONY DONIAS,
Petitioner,
v.
WARDEN RAYTHEL FISHER,
Respondent.

Case No. 16-cv-4844-NJV (PR)

ORDER OF TRANSFER

This is a habeas case filed pro se by a state prisoner. Petitioner challenges a conviction obtained in the Sacramento County Superior Court. Sacramento County is in the venue of the United States District Court for the Eastern District of California. Petitioner is also incarcerated in the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted and is incarcerated in the Eastern District, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: November 9, 2016


ANDREW J. VADAS
United States Magistrate Judge